

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION

STEVE E. ASHE, and wife DEBORAH ANN )  
SCOTT ASHE; FRANK H. BARTON; HOMER )  
R. BLYTHE, and wife ANN ENGLISH BLYTH; )  
BEN BOLT, and wife FLORA MAE MCCALL )  
BOLT; SHIRLEY EUGENE BRACKEN, and wife )  
ANNIE JO SHERRIL BRACKEN; FRED C. )  
BRYSON, and wife MARY B. BRYSON; ALLEN )  
E. CHAPMAN, and wife SANDRA FISHER )  
CHAPMAN; JOHN C. CHAPMAN, and wife IVA )  
LEE ANDERS CHAPMAN; DAVID H. CORN, )  
and wife PHYLLIS BOWEN CORN; ROBERT H. )  
CROWE, and wife MARIAN CROWE; RHONDA )  
DEBRUHL, Administrator of the Estate of FRED )  
DAVIS, deceased; DANNY L. DUCKWORTH; )  
JOHN D. EZELL, and wife AILEEN RODGERS )  
EZELL; EDNA MAE FEWELL; SALLY R. )  
FLETCHER, Individually and as Executrix of the )  
Estate of CARROLL D. FLETCHER, Deceased; )  
WILLIAM M. GADDY, SR., and wife MYRTLE )  
N. GADDY; CLYDE C. GALLOWAY, and wife )  
BELLE T. GALLOWAY; JAMES C. GOFORTH, )  
and wife THELMA W. GOFORTH; CLAUDE S. )  
GOODSON, and wife DARLENE GOODSON; )  
ROBERT P. GRANT, and wife DORIS )  
PATTERSON GRANT; LARRY W. GREGORY; )  
WILLIAM H. HALL, JR., and wife WANDA D. )  
HALL; WILLIE E. HARRON; THOMAS B. )  
HEATON, and wife ELLA MAE P. HEATON; )  
RICHARD L. HISSA, and wife PRISCILLA B. )  
HISSA; MARILYN S. JARRETT, Individually and )  
as Executrix of the Estate of DOUGLAS L. )  
JARRETT, Deceased; MAGGIE C. KRIDER, )  
Individually and as Personal Representative of the )  
Estate of THOMAS KRIDER, Deceased; JAMES )  
T. MAHONEY, JR., and wife BRENDA FAYE )  
MAHONEY; ERNEST R. MANEY, and wife )  
BARBARA GREEN MANEY; ARTHUR A. )  
MCCALL, and wife EDITH ENGLISH MCCALL; )  
BENJAMIN F. MCCALL, and wife DONNIE VEE )  
MCCALL; FRANKLIN L. MCCALL, and wife )

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BETTY LAMBERT MCCALL, JAMES D. )  
 MCCALL; RUFUS S. MCCALL, and wife )  
 MARGARET PAULINE R. MCCALL; )  
 SHERRELL P. MCCRARY, and wife VELMA )  
 EARLENE MCCRARY; WILLIAM P. )  
 MCKELVEY; BETTY N. MICHAEL, Individually )  
 and as Executrix of the Estate of JOHN A. )  
 MICHAEL, Deceased; JIMMY G. MILLER, and )  
 wife LINDA GALLOWAY MILLER; BENNY L. )  
 MOONEY, and wife MILDRED RUTH H. )  
 MOONEY; WILLIAM L. MOONEY, SR., and wife )  
 BILLIE FARMER MOONEY; PATRICIA M. )  
 CROUCH, as Executrix of the Estate of TARLIE E. )  
 MOORE, Deceased, and BEULAH C. MOORE; )  
 PEGGY LOFLIN, as Administrator of the Estate of )  
 JAMES H. MORRIS, Deceased; GEORGE H. )  
 NEWMAN, and wife VIRGINIA H. NEWMAN; )  
 CARROLL F. OWEN, and wife CYNTHIA )  
 SPIVEY OWEN; MARY M. OWEN; PHILLIP )  
 E. OWENS, and wife DOROTHY LORENA W. )  
 OWENS; ROSCOE H. PONDER, and wife GRACE )  
 JULIE R. PONDER; JOE B. ROGERS, and wife )  
 JUNE ROGERS; REMUS L. ROPER, and wife )  
 SHIRLEY ROPER; PAUL D. SEAGLE, and wife )  
 LINDA M. SEAGLE; DOUGLAS G. SENTELLE, )  
 and wife CINDY SENTELLE; CHARLES N. )  
 SHOOK, as Executor of the Estate of VANCE F. )  
 SHOOK, Deceased; BRONITH SHOOK, as )  
 Administrator of the Estate of VANCE RANDALL )  
 SHOOK; ETHEL IRENE J. SITTON, Individually )  
 and as Executrix of the Estate of ED J. SITTON, )  
 Deceased; NETTIE L. SITTON; BRUCE D. )  
 SMITH, and wife DELORES H. SMITH; ROBERT )  
 A. SMITH, and wife MARJORIE L. SMITH; )  
 BRADLEY H. SNIPES, and wife ELEANOR E. )  
 SNIPES; FRANK A. STEVENS, and wife RUBY )  
 IRENE STEVENS; RUTH G. SUMMEY, )  
 Individually and as Executrix of the Estate of )  
 CLYDE C. SUMMEY, Deceased; JUANITA W. )  
 WATSON; CHARLES E. WHITEMIRE, and wife )  
 BOBBIE JEAN WHITEMIRE; ALBERT W. )  
 WILLIAMS, and wife CAROLYN WILLIAMS; )  
 THOMAS J. WOODS, and wife ALICIA JEAN )  
 WOODS, )  
 Plaintiffs, )

v.

ACandS, INC., et al.,

Defendants.

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### **ORDER OF DISMISSAL**

**THIS MATTER** is before the Court upon joint motion by Plaintiffs Steve E. Ashe, and wife Deborah Ann Scott Ashe; Frank H. Barton; Homer R. Blythe, and wife Ann English Blyth; Ben Bolt, and wife Flora Mae McCall Bolt; Shirley Eugene Bracken, and wife Annie Jo Sherrill Bracken; Fred C. Bryson, and wife Mary B. Bryson; Allen E. Chapman, and wife Sandra Fisher Chapman; John C. Chapman, and wife Iva Lee Anders Chapman; David H. Corn, and wife Phyllis Bowen Corn; Robert H. Crowe, and wife Marian Crowe; Rhonda Debruhl, Administrator of the Estate of Fred Davis, deceased; Danny L. Duckworth; John D. Ezell, and wife Aileen Rodgers Ezell; Edna Mae Fewell; Sally R. Fletcher, Individually and as Executrix of the Estate of Carroll D. Fletcher, Deceased; Clyde C. Galloway, and wife Belle T. Galloway; James C. Goforth, and wife Thelma W. Goforth; Claude S. Goodson, and wife Darlene Goodson; Robert P. Grant, and wife Doris Patterson Grant; Larry W. Gregory; William H. Hall, Jr., and wife Wanda D. Hall; Willie E. Harron; Thomas B. Heaton, and wife Ella Mae P. Heaton; Richard L. Hissa, and wife Priscilla B. Hissa; Marilyn S. Jarrett, Individually and as Executrix of the Estate of Douglas L. Jarrett, Deceased; Maggie C. Krider, Individually and as Personal Representative of the Estate of Thomas Krider, Deceased; James T. Mahoney, Jr., and wife Brenda Faye Mahoney; Ernest R. Maney, and wife Barbara Green Maney; Arthur A. McCall, and wife Edith English McCall; Benjamin F. McCall, and wife Donnie Vee McCall; Franklin L. McCall, and wife Betty Lambert McCall, James D. McCall;

Rufus S. McCall, and wife Margaret Pauline R. McCall; Sherrell P. McCrary, and wife Velma Earlene McCrary; William P. McKelvey; Betty N. Michael, Individually and as Executrix of the Estate of John A. Michael, Deceased; Jimmy G. Miller, and wife Linda Galloway Miller; Benny L. Mooney, and wife Mildred Ruth H. Mooney; William L. Mooney, Sr., and wife Billie Farmer Mooney; Patricia M. Crouch, as Executrix of the Estate of Tarlie E. Moore, Deceased, and Beulah C. Moore; Peggy Loflin, as Administrator of the Estate of James H. Morris, Deceased; George H. Newman, and wife Virginia H. Newman; Carroll F. Owen, and wife Cynthia Spivey Owen; Mary M. Owen; Phillip E. Owens, and wife Dorothy Lorena W. Owens; Roscoe H. Ponder, and wife Grace Julie R. Ponder; Joe B. Rogers, and wife June Rogers; Remus L. Roper, and wife Shirley Roper; Paul D. Seagle, and wife Linda M. Seagle; Douglas G. Sentelle, and wife Cindy Sentelle; Charles N. Shook, as Executor of the Estate of Vance F. Shook, Deceased; Bronith Shook, as Administrator of the Estate of Vance Randall Shook; Ethel Irene J. Sitton, Individually and as Executrix of the Estate of Ed J. Sitton, Deceased; Nettie L. Sitton; Bruce D. Smith, and wife Delores H. Smith; Robert A. Smith, and wife Marjorie L. Smith; Bradley H. Snipes, and wife Eleanor E. Snipes; Frank A. Stevens, and wife Ruby Irene Stevens; Ruth G. Summey, Individually and as Executrix of the Estate of Clyde C. Summey, Deceased; Juanita W. Watson; Charles E. Whitemire, and wife Bobbie Jean Whitemire; Albert W. Williams, and wife Carolyn Williams; Thomas J. Woods, and wife Alicia Jean Woods, and Defendant A. W. Chesterton Company, to dismiss all their claims against said Defendant without prejudice.

It appearing that grounds exist to permit Plaintiffs to do so, and that the motion should be granted for good cause shown;

**IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED** that the joint motion to dismiss is **ALLOWED**, and all claims of Plaintiffs Steve E. Ashe, and wife Deborah Ann Scott Ashe; Frank H. Barton; Homer R. Blythe, and wife Ann English Blyth; Ben Bolt, and wife Flora Mae McCall Bolt; Shirley Eugene Bracken, and wife Annie Jo Sherrill Bracken; Fred C. Bryson, and wife Mary B. Bryson; Allen E. Chapman, and wife Sandra Fisher Chapman; John C. Chapman, and wife Iva Lee Anders Chapman; David H. Corn, and wife Phyllis Bowen Corn; Robert H. Crowe, and wife Marian Crowe; Rhonda Debruhl, Administrator of the Estate of Fred Davis, deceased; Danny L. Duckworth; John D. Ezell, and wife Aileen Rodgers Ezell; Edna Mae Fewell; Sally R. Fletcher, Individually and as Executrix of the Estate of Carroll D. Fletcher, Deceased; Clyde C. Galloway, and wife Belle T. Galloway; James C. Goforth, and wife Thelma W. Goforth; Claude S. Goodson, and wife Darlene Goodson; Robert P. Grant, and wife Doris Patterson Grant; Larry W. Gregory; William H. Hall, Jr., and wife Wanda D. Hall; Willie E. Harron; Thomas B. Heaton, and wife Ella Mae P. Heaton; Richard L. Hissa, and wife Priscilla B. Hissa; Marilyn S. Jarrett, Individually and as Executrix of the Estate of Douglas L. Jarrett, Deceased; Maggie C. Krider, Individually and as Personal Representative of the Estate of Thomas Krider, Deceased; James T. Mahoney, Jr., and wife Brenda Faye Mahoney; Ernest R. Maney, and wife Barbara Green Maney; Arthur A. McCall, and wife Edith English McCall; Benjamin F. McCall, and wife Donnie Vee McCall; Franklin L. McCall, and wife Betty Lambert McCall; James D. McCall; Rufus S. McCall, and wife Margaret Pauline R. McCall; Sherrell P. McCrary, and wife Velma Earlene McCrary; William P. McKelvey; Betty N. Michael, Individually and as Executrix of the Estate of John A. Michael, Deceased; Jimmy G. Miller, and wife Linda Galloway Miller; Benny L. Mooney, and wife Mildred Ruth H. Mooney; William L. Mooney, Sr., and wife Billie Farmer Mooney; Patricia M. Crouch, as Executrix of the

Estate of Tarlie E. Moore, Deceased, and Beulah C. Moore; Peggy Loflin, as Administrator of the Estate of James H. Morris, Deceased; George H. Newman, and wife Virginia H. Newman; Carroll F. Owen, and wife Cynthia Spivey Owen; Mary M. Owen; Phillip E. Owens, and wife Dorothy Lorena W. Owens; Roscoe H. Ponder, and wife Grace Julie R. Ponder; Joe B. Rogers, and wife June Rogers; Remus L. Roper, and wife Shirley Roper; Paul D. Seagle, and wife Linda M. Seagle; Douglas G. Sentelle, and wife Cindy Sentelle; Charles N. Shook, as Executor of the Estate of Vance F. Shook, Deceased; Bronith Shook, as Administrator of the Estate of Vance Randall Shook; Ethel Irene J. Sitton, Individually and as Executrix of the Estate of Ed J. Sitton, Deceased; Nettie L. Sitton; Bruce D. Smith, and wife Delores H. Smith; Robert A. Smith, and wife Marjorie L. Smith; Bradley H. Snipes, and wife Eleanor E. Snipes; Frank A. Stevens, and wife Ruby Irene Stevens; Ruth G. Summey, Individually and as Executrix of the Estate of Clyde C. Summey, Deceased; Juanita W. Watson; Charles E. Whitemire, and wife Bobbie Jean Whitemire; Albert W. Williams, and wife Carolyn Williams; and Thomas J. Woods, and wife Alicia Jean Woods, against Defendant A.W. Chesterton Company are hereby **DISMISSED WITHOUT PREJUDICE**.

Signed: November 5, 2007



Lacy H. Thornburg  
United States District Judge

